

SENATE BILL No. 423

DIGEST OF INTRODUCED BILL

Citations Affected: IC 9-14-3-7; IC 9-21-11-12; IC 9-24; IC 9-26-1; IC 9-29; IC 9-30-3-12; IC 10-13-3; IC 20-33; IC 31-37-19; IC 33-39-1-8; IC 34-28-5-1; IC 35-48-4-15.

Synopsis: Driving privileges permits and learner's permits. Provides for the issuance of driving privileges permits, probationary driving privileges permits, and driving privileges learner's permits to residents of Indiana who cannot provide proof of identity and lawful status in the United States, and provides that fingerprints of the applicants be provided as a part of the application process. Provides that these permits may not be used for federal identification or for any federal purposes. Requires that an individual who holds such a permit and operates a motor vehicle must ensure that required financial responsibility on any motor vehicle that the holder operates is continuously maintained in the amounts required by law. Makes conforming amendments. Removes outdated language.

Effective: July 1, 2014.

Wyss, Broden

January 14, 2014, read first time and referred to Committee on Homeland Security, Transportation, and Veterans Affairs.



Second Regular Session 118th General Assembly (2014)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

SENATE BILL No. 423

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 9-14-3-7, AS AMENDED BY P.L.125-2012,
- 2 SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 3 JULY 1, 2014]: Sec. 7. (a) The bureau shall maintain a driving record
- 4 for each person licensed **or issued a permit** by the bureau to drive a
- 5 motor vehicle.
- 6 (b) A driving record must contain the following:
- 7 (1) A person's convictions for any of the following:
- 8 (A) A moving traffic violation.
- 9 (B) Operating a vehicle without financial responsibility in
- 10 violation of IC 9-25.
- 11 (2) Any administrative penalty imposed by the bureau.
- 12 (3) If the driving privileges of a person have been suspended or
- 13 revoked by the bureau, an entry in the record stating that a notice
- 14 of suspension or revocation was mailed by the bureau and the date
- 15 of the mailing of the notice.
- 16 (4) Any suspensions, revocations, or reinstatements of a person's



driving privileges, license, or permit.

(5) Any requirement that the person may operate only a motor vehicle equipped with a certified ignition interlock device.

(c) An entry in the driving record of a defendant stating that notice of suspension or revocation was mailed by the bureau to the defendant constitutes prima facie evidence that the notice was mailed to the defendant's address as shown in the records of the bureau.

(d) A driving record maintained under this section:

(1) is not admissible as evidence in any action for damages arising out of a motor vehicle accident; and

(2) may not include voter registration information.

SECTION 2. IC 9-21-11-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 12. A motorized bicycle may not be operated under any of the following conditions:

(1) By a person less than fifteen (15) years of age.

(2) By a person who has not obtained:

(A) an identification card; ~~under IC 9-24,~~

(B) a permit; ~~under IC 9-24,~~

(C) an operator's license; ~~under IC 9-24,~~

(D) a chauffeur's license; ~~under IC 9-24, or~~

(E) a public passenger chauffeur's license; ~~under IC 9-24, or~~

(F) a driving privileges permit or driving privileges learner's permit;

under IC 9-24.

(3) On an interstate highway or a sidewalk.

(4) At a speed greater than twenty-five (25) miles per hour.

SECTION 3. IC 9-24-1-1, AS AMENDED BY P.L.125-2012, SECTION 159, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. Except as otherwise provided in this chapter, an individual must have a valid Indiana:

(1) operator's license;

(2) chauffeur's license;

(3) public passenger chauffeur's license;

(4) commercial driver's license;

(5) driver's license listed in subdivision (1), (2), (3), or (4) with a motorcycle endorsement;

(6) learner's permit; ~~or~~

(7) motorcycle learner's permit;

(8) driving privileges permit; or

(9) driving privileges learner's permit;

issued to the individual by the bureau under this article to drive upon an Indiana highway the type of motor vehicle for which the license or



1 permit was issued.

2 SECTION 4. IC 9-24-2-1, AS AMENDED BY P.L.125-2012,
3 SECTION 166, IS AMENDED TO READ AS FOLLOWS
4 [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) The bureau shall suspend the
5 driving privileges or invalidate the learner's permit **or driving**
6 **privileges learner's permit** of an individual less than eighteen (18)
7 years of age who meets any of the following conditions:

- 8 (1) Is a habitual truant under IC 20-33-2-11.
9 (2) Is under at least a second suspension from school for the
10 school year under IC 20-33-8-14 or IC 20-33-8-15.
11 (3) Is under an expulsion from school under IC 20-33-8-14,
12 IC 20-33-8-15, or IC 20-33-8-16.
13 (4) Is considered a dropout under IC 20-33-2-28.5.

14 (b) At least five (5) days before holding an exit interview under
15 IC 20-33-2-28.5, the school corporation shall give notice by certified
16 mail or personal delivery to the student, the student's parent, or the
17 student's guardian that the student's failure to attend an exit interview
18 under IC 20-33-2-28.5 or return to school if the student does not meet
19 the requirements to withdraw from school under IC 20-33-2-28.5 will
20 result in the revocation or denial of the student's:

- 21 (1) driver's license, ~~or~~ learner's permit, **driving privileges permit,**
22 **or driving privileges learner's permit;** and
23 (2) employment certificate.

24 SECTION 5. IC 9-24-2-2, AS AMENDED BY P.L.125-2012,
25 SECTION 167, IS AMENDED TO READ AS FOLLOWS
26 [EFFECTIVE JULY 1, 2014]: Sec. 2. The bureau shall suspend the
27 driving privileges or invalidate the learner's permit **or driving**
28 **privileges learner's permit** of an individual less than eighteen (18)
29 years of age who is under an order entered by a juvenile court under
30 IC 31-37-19-13 through IC 31-37-19-17 (or IC 31-6-4-15.9(d),
31 IC 31-6-4-15.9(e), or IC 31-6-4-15.9(f) before their repeal).

32 SECTION 6. IC 9-24-2-2.5, AS AMENDED BY P.L.125-2012,
33 SECTION 168, IS AMENDED TO READ AS FOLLOWS
34 [EFFECTIVE JULY 1, 2014]: Sec. 2.5. (a) The bureau shall suspend
35 the driving privileges or invalidate the learner's permit **or driving**
36 **privileges learner's permit** of an individual who is under an order
37 entered by a court under IC 35-43-1-2(c).

38 (b) The bureau shall suspend the driving privileges or invalidate the
39 learner's permit **or driving privileges learner's permit** of a person
40 who is the subject of an order issued under IC 31-37-19-17 (or
41 IC 31-6-4-15.9(f) before its repeal) or IC 35-43-1-2(c).

42 SECTION 7. IC 9-24-2-3, AS AMENDED BY P.L.207-2013,



SECTION 7, AS AMENDED BY P.L.207-2013, SECTION 8, AND
 AS AMENDED BY P.L.85-2013, SECTION 24, IS CORRECTED
 AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
 2014]: Sec. 3. (a) The bureau may not issue a driver's license, ~~or~~
 learner's permit, **driving privileges permit, or driving privileges**
learner's permit, or grant driving privileges to the following
 individuals:

(1) An individual whose *license issued under Indiana law to operate a motor vehicle as an operator, a chauffeur, or a public passenger chauffeur* ~~has driving privileges~~ have been suspended, during the period for which the ~~license was driving privileges~~ are suspended, or to an individual whose *driver's* license has been revoked, until the time the bureau is authorized under Indiana law to issue the individual a new license.

(2) An individual whose learner's permit **or driving privileges learner's permit** has been suspended or revoked until the time the bureau is authorized under Indiana law to issue the individual a new permit.

(3) An individual who, in the opinion of the bureau, is afflicted with or suffering from a physical or mental disability or disease that prevents the individual from exercising reasonable and ordinary control over a motor vehicle while operating the vehicle upon the public highways.

(4) An individual who is unable to understand highway warnings or direction signs written in the English language.

(5) An individual who is required under this article to take an examination unless:

(A) the person successfully passes the examination; or

(B) the bureau waives the examination requirement.

(6) An individual who is required under IC 9-25 or any other statute to deposit or provide proof of financial responsibility and who has not deposited or provided that proof.

(7) An individual when the bureau has good cause to believe that the operation of a motor vehicle on a public highway of Indiana by the individual would be inimical to public safety or welfare.

(8) An individual who is the subject of an order issued by:

(A) a court under ~~IC 31-14-12-4~~ ~~or~~ IC 31-16-12-7 (or IC 31-1-11.5-13, ~~or~~ IC 31-6-6.1-16, or IC 31-14-12-4 before their repeal); or

(B) the Title IV-D agency;

ordering that a driver's license or permit not be issued to the individual.



(9) An individual who has not presented valid documentary evidence to the bureau of the person's legal status in the United States, as required by ~~IC 9-24-9-2.5~~, **IC 9-24-9-2.5(a). This subdivision does not apply to an applicant for a driving privileges permit under IC 9-24-3.5 or a driving privileges learner's permit under IC 9-24-7.**

(10) An individual who does not otherwise satisfy the requirements of this article.

(b) An individual subject to epileptic seizures may not be denied a driver's license or permit under this section if the individual presents a statement from a licensed physician, on a form prescribed by the bureau, that the individual is under medication and is free from seizures while under medication.

SECTION 8. IC 9-24-3.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]:

Chapter 3.5. Driving Privileges Permit

Sec. 1. An individual who is unable to present the valid documentary evidence required by IC 9-24-9-2.5(a) may apply to the bureau for a driving privileges permit.

Sec. 2. The bureau shall issue a driving privileges permit to an individual who meets the following conditions:

(1) Satisfies the age requirements set forth in section 3 of this chapter.

(2) Makes proper application to the bureau under IC 9-24-9 upon a form prescribed by the bureau. The form must include an attestation concerning the number of hours of supervised driving practice that the individual has completed if the individual is required under section 3 of this chapter to complete a certain number of hours of supervised driving practice in order to receive a driving privileges permit. The:

(A) parent or guardian of an applicant less than eighteen (18) years of age; or

(B) applicant, if the applicant is at least eighteen (18) years of age;

shall attest in writing under penalty of perjury to the time logged in practice driving.

(3) Satisfactorily passes the examination and tests required for issuance of a driving privileges permit under IC 9-24-10-4.

(4) Pays the fees prescribed by IC 9-29-9-2.3.

Sec. 3. (a) An individual must satisfy the requirements set forth in one (1) of the following subdivisions to receive a driving



- 1 privileges permit:
- 2 (1) The individual meets the following conditions:
- 3 (A) Is at least sixteen (16) years and one hundred eighty
- 4 (180) days of age.
- 5 (B) Has held a valid driving privileges learner's permit for
- 6 at least one hundred eighty (180) days.
- 7 (C) Obtains an instructor's certification that the individual
- 8 has satisfactorily completed an approved driver education
- 9 course.
- 10 (D) Passes the required examination.
- 11 (E) Completes at least fifty (50) hours of supervised driving
- 12 practice, of which at least ten (10) hours are nighttime
- 13 driving, with:
- 14 (i) a licensed instructor or a licensed driver, with valid
- 15 driving privileges, who is at least twenty-five (25) years
- 16 of age; or
- 17 (ii) the spouse of the individual, if the spouse is a licensed
- 18 driver with valid driving privileges and is at least
- 19 twenty-one (21) years of age.
- 20 (2) The individual meets the following conditions:
- 21 (A) Is at least sixteen (16) years and two hundred seventy
- 22 (270) days of age.
- 23 (B) Has held a valid driving privileges learner's permit for
- 24 at least one hundred eighty (180) days.
- 25 (C) Passes the required examination.
- 26 (D) Completes at least fifty (50) hours of supervised
- 27 driving practice, of which at least ten (10) hours are
- 28 nighttime driving, with:
- 29 (i) a licensed instructor or a licensed driver who is at
- 30 least twenty-five (25) years of age and has valid driving
- 31 privileges; or
- 32 (ii) the spouse of the individual, if the spouse is a licensed
- 33 driver with valid driving privileges and is at least
- 34 twenty-one (21) years of age.
- 35 (3) The individual meets the following conditions:
- 36 (A) Is at least eighteen (18) years of age.
- 37 (B) Has previously been a nonresident of Indiana but, at
- 38 the time of application, qualifies as an Indiana resident.
- 39 (C) Held a valid driver's license, excluding a learner's
- 40 permit or the equivalent, from the state of prior residence.
- 41 (D) Passes the required examination.
- 42 (b) An applicant who is required to complete at least fifty (50)



hours of supervised practice driving under subsection (a)(1)(E) or (a)(2)(D) must submit to the commission under IC 9-24-9-2(c) evidence of the time logged in practice driving.

Sec. 4. A driving privileges permit must include a statement on the face of the permit that indicates that the permit may not be accepted by any federal agency for federal identification or any other federal purpose.

Sec. 5. A driving privileges permit allows the holder to operate a passenger motor vehicle, a truck with a declared gross weight equal to or less than eleven thousand (11,000) pounds, or a motorized bicycle.

Sec. 6. A person who holds a driving privileges permit and operates a motor vehicle shall ensure that required financial responsibility on a motor vehicle that the holder operates is continuously maintained in the amounts set forth in IC 9-25-4.

Sec. 7. The bureau shall adopt rules under IC 4-22-2 to carry out this chapter.

SECTION 9. IC 9-24-7-1, AS AMENDED BY P.L.125-2012, SECTION 196, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) The bureau shall issue a learner's permit **for an operator's license** to an individual who:

- (1) is at least fifteen (15) years of age;
- (2) if less than eighteen (18) years of age, is not ineligible under IC 9-24-2-1;
- (3) is enrolled in an approved driver education course; and
- (4) has passed a written examination as required under IC 9-24-10.

(b) The bureau shall issue a learner's permit **for an operator's license** to an individual who:

- (1) is at least sixteen (16) years of age;
- (2) if less than eighteen (18) years of age, is not ineligible under IC 9-24-2; and
- (3) has passed a written examination as required under IC 9-24-10.

(c) **An individual who is unable to present the valid documentary evidence required by IC 9-24-9-2.5(a) may apply for a driving privileges learner's permit, which may be used as the basis to be issued a driving privileges permit under IC 9-24-3.5. The bureau shall issue a driving privileges learner's permit to an individual:**

(1) who:

- (A) is at least fifteen (15) years of age;**



(B) if less than eighteen (18) years of age, is not ineligible under IC 9-24-2-1;

(C) is enrolled in an approved driver education course; and

(D) has passed a written examination as required under IC 9-24-10; or

(2) who is at least sixteen (16) years of age, or if less than eighteen (18) years of age, is not ineligible under IC 9-24-2, and has passed a written examination as required under IC 9-24-10.

(d) A driving privileges learner's permit must include a statement on the face of the permit that indicates that the permit may not be accepted by any federal agency for federal identification or any other federal purpose.

(e) A driving privileges learner's permit allows the holder to operate a passenger motor vehicle, a truck with a declared gross weight equal to or less than eleven thousand (11,000) pounds, or a motorized bicycle.

(f) A person who holds a driving privileges learner's permit and operates a motor vehicle shall ensure that required financial responsibility on a motor vehicle that the holder operates is continuously maintained in the amounts set forth in IC 9-25-4.

(g) The bureau shall adopt rules under IC 4-22-2 to carry out subsections (c) through (f).

SECTION 10. IC 9-24-7-2, AS AMENDED BY P.L.125-2012, SECTION 197, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. The instructor of an approved driver education course shall validate or certify a learner's permit **or a driving privileges learner's permit** when the holder has satisfactorily completed the course. If the instructor is unable to certify the actual learner's permit **or driving privileges learner's permit**, the instructor may certify that the holder has satisfactorily completed the course in a manner the bureau prescribes.

SECTION 11. IC 9-24-7-4, AS AMENDED BY P.L.85-2013, SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. A learner's permit **for an operator's license or a driving privileges learner's permit** authorizes the permit holder to operate a motor vehicle, except a motorcycle or commercial motor vehicle, upon a public highway under the following conditions:

(1) While the holder is participating in practice driving in an approved driver education course and is accompanied by a certified driver education instructor or student teacher in the front seat of a motor vehicle equipped with dual controls.



(2) While the holder is participating in practice driving after having commenced an approved driver education course and the seat beside the holder is occupied by a licensed driver with valid driving privileges who is at least:

(A) twenty-five (25) years of age; or

(B) if the licensed driver is the holder's spouse, twenty-one (21) years of age.

(3) If the holder is not participating in an approved driver education course, and is less than eighteen (18) years of age, the holder may participate in practice driving if the seat beside the holder is occupied by a licensed driver with valid driving privileges who is at least:

(A) twenty-five (25) years of age; or

(B) if the licensed driver is the holder's spouse, twenty-one (21) years of age.

(4) If the holder is not participating in an approved driver education course, and is at least eighteen (18) years of age, the holder may participate in practice driving if accompanied in the vehicle by a licensed driver with valid driving privileges who is at least twenty-one (21) years of age.

SECTION 12. IC 9-24-7-5, AS AMENDED BY P.L.125-2012, SECTION 200, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) A holder of a learner's permit may take the skills examination for an operator's license not later than the expiration date of the learner's permit. A holder who does not pass the skills examination after a third attempt is not eligible to take the examination until two (2) months after the date of the last failed examination.

(b) A holder of a driving privileges learner's permit may take the skills examination for a driving privileges permit not later than the expiration date of the driving privileges learner's permit. A holder who does not pass the skills examination after a third attempt is not eligible to take the examination until two (2) months after the date of the last failed examination.

SECTION 13. IC 9-24-7-7, AS AMENDED BY P.L.85-2013, SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. The bureau shall publish the following:

(1) An online driving guide that may be used by the holder of a learner's permit **or a driving privileges learner's permit** and the parent of the holder of a learner's permit **or a driving privileges learner's permit**, if applicable.

(2) An online log that must be completed to show evidence of the



1 completion of the hours of supervised practice driving required
 2 under IC 9-24-3-2.5(a)(1)(E), ~~or~~ IC 9-24-3-2.5(a)(2)(D),
 3 **IC 9-24-3.5-3(a)(1)(E), or IC 9-24-3.5-3(a)(2)(D).**

4 SECTION 14. IC 9-24-9-2, AS AMENDED BY P.L.85-2013,
 5 SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2014]: Sec. 2. (a) Except as provided in subsection (b), each
 7 application for a license or permit under this chapter must require the
 8 following information:

- 9 (1) The full legal name of the applicant.
 10 (2) The applicant's date of birth.
 11 (3) The gender of the applicant.
 12 (4) The applicant's height, weight, hair color, and eye color.
 13 (5) The principal address and mailing address of the applicant.
 14 (6) **Unless the applicant is applying for a driving privileges**
 15 **permit under IC 9-24-3.5 or a driving privileges learner's**
 16 **permit leading only to a driving privileges permit under**
 17 **IC 9-24-7-1(c), a:**

- 18 (A) valid Social Security number; or
 19 (B) verification of an applicant's:
 20 (i) ineligibility to be issued a Social Security number; and
 21 (ii) identity and lawful status.

22 **An applicant for a driving privileges permit or driving**
 23 **privileges learner's permit must submit a valid individual**
 24 **taxpayer identification number for the applicant and**
 25 **verification of the applicant's identity.**

- 26 (7) Whether the applicant has been subject to fainting spells or
 27 seizures.
 28 (8) Whether the applicant has been licensed as an operator, a
 29 chauffeur, or a public passenger chauffeur or has been the holder
 30 of a learner's permit, and if so, when and by what state.
 31 (9) Whether the applicant's license or permit has ever been
 32 suspended or revoked, and if so, the date of and the reason for the
 33 suspension or revocation.
 34 (10) Whether the applicant has been convicted of a crime
 35 punishable as a felony under Indiana motor vehicle law or any
 36 other felony in the commission of which a motor vehicle was
 37 used.
 38 (11) Whether the applicant has a physical or mental disability,
 39 and if so, the nature of the disability and other information the
 40 bureau directs.
 41 (12) The signature of the applicant showing the applicant's legal
 42 name as it appears or will appear on the license or permit.



1 (13) A digital photograph of the applicant.

2 **(14) If the applicant is applying for a driving privileges permit**
 3 **or driving privileges learner's permit:**

4 **(A) a set of fingerprints of the applicant; and**

5 **(B) an affirmation from the consulate of the country of**
 6 **nationality of the applicant as to the identity of the**
 7 **applicant.**

8 The bureau shall maintain records of the information provided under
 9 subdivisions (1) through ~~(13)~~: **(14)**.

10 (b) For purposes of subsection (a), an individual certified as a
 11 program participant in the address confidentiality program under
 12 IC 5-26.5 is not required to provide the individual's principal address
 13 and mailing address, but may provide an address designated by the
 14 office of the attorney general under IC 5-26.5 as the individual's
 15 principal address and mailing address.

16 (c) In addition to the information required by subsection (a), an
 17 applicant who is required to complete at least fifty (50) hours of
 18 supervised practice driving under IC 9-24-3-2.5(a)(1)(E), ~~or~~
 19 IC 9-24-3-2.5(a)(2)(D), **IC 9-24-3.5-3(a)(1)(E), or**
 20 **IC 9-24-3.5-3(a)(2)(D)** must submit to the bureau evidence of the time
 21 logged in practice driving. The bureau shall maintain a record of the
 22 time log provided.

23 (d) In addition to the information required under subsection (a), an
 24 application for a license or permit to be issued under this chapter must
 25 enable the applicant to indicate that the applicant is a veteran of the
 26 armed forces of the United States and wishes to have an indication of
 27 the applicant's veteran status appear on the license or permit. An
 28 applicant who wishes to have an indication of the applicant's veteran
 29 status appear on a license or permit must:

30 (1) indicate on the application that the applicant:

31 (A) is a veteran of the armed forces of the United States; and

32 (B) wishes to have an indication of the applicant's veteran
 33 status appear on the license or permit; and

34 (2) verify the applicant's veteran status by providing proof of
 35 discharge or separation, other than a dishonorable discharge, from
 36 the armed forces of the United States.

37 The bureau shall maintain records of the information provided under
 38 this subsection.

39 SECTION 15. IC 9-24-9-2.3 IS ADDED TO THE INDIANA CODE
 40 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 41 1, 2014]: **Sec. 2.3. Upon receipt of the set of fingerprints of the**
 42 **applicant as provided under section 2(a)(14)(A) of this chapter, the**



bureau shall forward the fingerprints to the state police department for a criminal history check of the applicant from the Federal Bureau of Investigation's National Crime Information Center, as provided in IC 10-13-3-37.5.

SECTION 16. IC 9-24-9-2.5, AS AMENDED BY P.L.162-2009, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2.5. (a) **Except as provided in subsection (b)**, in addition to the information required from the applicant for a license or permit under sections 1 and 2 of this chapter, the bureau shall require an applicant to present to the bureau valid documentary evidence that the applicant:

- (1) is a citizen or national of the United States;
- (2) is an alien lawfully admitted for permanent residence in the United States;
- (3) has conditional permanent resident status in the United States;
- (4) has an approved application for asylum in the United States or has entered into the United States in refugee status;
- (5) is an alien lawfully admitted for temporary residence in the United States;
- (6) has a valid unexpired nonimmigrant visa or nonimmigrant visa status for entry into the United States;
- (7) has a pending application for asylum in the United States;
- (8) has a pending or approved application for temporary protected status in the United States;
- (9) has approved deferred action status; or
- (10) has a pending application for adjustment of status to that of an alien lawfully admitted for permanent residence in the United States or conditional permanent resident status in the United States.

(b) **An applicant for a driving privileges permit under IC 9-24-3.5 or a driving privileges learner's permit under IC 9-24-7-1(c) who is unable to provide the documentation required under subsection (a) must provide the bureau with documentation of residence in Indiana as required by rules adopted by the bureau under IC 4-22-2. The rules must provide that the supporting documentation may be shown by official documentation from the consulate of the country of nationality of the applicant.**

SECTION 17. IC 9-24-10-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. The bureau may adopt rules under IC 4-22-2 necessary for the conduct of examinations for a learner's permit, **a driving privileges learner's permit**, an



operator's license, **a driving privileges permit**, a chauffeur's license, and a public passenger chauffeur's license in accordance with this chapter concerning the qualifications and ability of applicants to operate motor vehicles in accordance with the rights and privileges of those permits and licenses.

SECTION 18. IC 9-24-10-4, AS AMENDED BY P.L.85-2013, SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) Except as provided in subsection (c), an examination for a learner's permit, **driving privileges learner's permit**, ~~or~~ driver's license, **or driving privileges permit** must include the following:

(1) A test of the following of the applicant:

(A) Eyesight.

(B) Ability to read and understand highway signs regulating, warning, and directing traffic.

(C) Knowledge of Indiana traffic laws, including IC 9-26-1-1.5.

(2) An actual demonstration of the applicant's skill in exercising ordinary and reasonable control in the operation of a motor vehicle under the type of permit or license applied for.

(b) The examination may include further physical and mental examination that the bureau finds necessary to determine the applicant's fitness to operate a motor vehicle safely upon Indiana highways. The applicant must provide the motor vehicle used in the examination.

(c) The bureau:

(1) may waive the actual demonstration required under subsection (a)(2) for a person who has passed a driver's education class and a skills test given by a driver training school or driver education program given by an entity licensed under IC 9-27; and

(2) may waive the testing, other than testing under subsection (a)(1)(A), of an applicant who has passed:

(A) an examination concerning:

(i) subsection (a)(1)(B); and

(ii) subsection (a)(1)(C); and

(B) a skills test;

given by a driver training school or an entity licensed under IC 9-27.

(d) The bureau shall adopt rules under IC 4-22-2 specifying requirements for a skills test given under subsection (c) and the testing required under subsection (a)(1)(B) and (a)(1)(C).

(e) An instructor having a license under IC 9-27-6-8 who did not



1 instruct the applicant for the license or permit in driver education is not
 2 civilly or criminally liable for a report made in good faith to the:

3 (1) bureau;

4 (2) commission; or

5 (3) driver licensing medical advisory board;

6 concerning the fitness of the applicant to operate a motor vehicle in a
 7 manner that does not jeopardize the safety of individuals or property.

8 SECTION 19. IC 9-24-11-3.3, AS AMENDED BY P.L.85-2013,
 9 SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 JULY 1, 2014]: Sec. 3.3. (a) This section applies to a probationary
 11 operator's license ~~issued after June 30, 2009~~ **or a probationary**
 12 **driving privileges permit.**

13 (b) A license issued to or held by an individual less than eighteen
 14 (18) years of age is a probationary license. **A driving privileges**
 15 **permit issued to or held by an individual less than eighteen (18)**
 16 **years of age is a probationary driving privileges permit.** An
 17 individual holds a probationary license **or a probationary driving**
 18 **privileges permit** subject to the following conditions:

19 (1) Except as provided in subdivision (3), the individual may not
 20 operate a motor vehicle from 10 p.m. until 5 a.m. of the following
 21 morning during the first one hundred eighty (180) days after
 22 issuance of the probationary license **or the probationary driving**
 23 **privileges permit.**

24 (2) Except as provided in subdivision (3), after one hundred
 25 eighty (180) days after issuance of the probationary license **or the**
 26 **probationary driving privileges permit**, and until the individual
 27 becomes eighteen (18) years of age, an individual may not operate
 28 a motor vehicle:

29 (A) between 1 a.m. and 5 a.m. on a Saturday or Sunday;

30 (B) after 11 p.m. on Sunday, Monday, Tuesday, Wednesday,
 31 or Thursday; or

32 (C) before 5 a.m. on Monday, Tuesday, Wednesday, Thursday,
 33 or Friday.

34 (3) The individual may operate a motor vehicle during the periods
 35 described in subdivisions (1) and (2) if the individual operates the
 36 motor vehicle while:

37 (A) participating in, going to, or returning from:

38 (i) lawful employment;

39 (ii) a school sanctioned activity; or

40 (iii) a religious event; or

41 (B) accompanied by a licensed driver with valid driving
 42 privileges who is:



- 1 (i) at least twenty-five (25) years of age; or
- 2 (ii) if the licensed driver is the individual's spouse, at least
- 3 twenty-one (21) years of age.
- 4 (4) The individual may not operate a motor vehicle while using a
- 5 telecommunications device until the individual becomes eighteen
- 6 (18) years of age unless the telecommunications device is being
- 7 used to make a 911 emergency call.
- 8 (5) Except as provided in subdivision (6), during the one hundred
- 9 eighty (180) days after the issuance of the probationary license **or**
- 10 **the probationary driving privileges permit**, the individual may
- 11 not operate a motor vehicle in which there are passengers until the
- 12 individual becomes eighteen (18) years of age unless
- 13 accompanied in the front seat of the motor vehicle by:
- 14 (A) a certified driver education instructor; or
- 15 (B) a licensed driver with valid driving privileges who is:
- 16 (i) at least twenty-five (25) years of age; or
- 17 (ii) if the licensed driver is the individual's spouse, at least
- 18 twenty-one (21) years of age.
- 19 (6) The individual may operate a motor vehicle and transport:
- 20 (A) a child or stepchild of the individual;
- 21 (B) a sibling of the individual, including step or half siblings;
- 22 (C) the spouse of the individual; or
- 23 (D) any combination of individuals described in clauses (A)
- 24 through (C);
- 25 without another accompanying individual present in the motor
- 26 vehicle.
- 27 (7) The individual may operate a motor vehicle only if the
- 28 individual and each occupant of the motor vehicle are:
- 29 (A) properly restrained by a properly fastened safety belt; or
- 30 (B) if the occupant is a child, restrained in a properly fastened
- 31 child restraint system according to the manufacturer's
- 32 instructions under IC 9-19-11;
- 33 properly fastened about the occupant's body at all times when the
- 34 motor vehicle is in motion.
- 35 (c) An individual who holds a probationary license issued under this
- 36 section may be eligible to receive an operator's license, a chauffeur's
- 37 license, a public passenger chauffeur's license, or a commercial driver's
- 38 license when the individual is at least eighteen (18) years of age. **An**
- 39 **individual who holds a probationary driving privileges permit:**
- 40 **(1) may not receive an operator's license, a chauffeur's**
- 41 **license, a public passenger chauffeur's license, or a**
- 42 **commercial driver's license; but**



(2) may receive a driving privileges permit when the individual becomes eighteen (18) years of age.

(d) Except as provided in IC 9-24-12-1(e), a probationary license or probationary driving privileges permit issued under this section:

(1) expires at midnight of the date thirty (30) days after the twenty-first birthday of the holder; and

(2) may not be renewed.

SECTION 20. IC 9-24-11-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 3.5. (a) The bureau may not issue a driving privileges permit or driving privileges learner's permit to an applicant until the set of fingerprints required to be a part of the application has been processed by the Federal Bureau of Investigation and has been received by the state police department, as provided in IC 10-13-3-37.5.**

(b) The bureau may not issue a:

(1) driving privileges permit; or

(2) driving privileges learner's permit;

to an applicant if the applicant has been arrested under state law involving a felony or if there is an outstanding warrant for arrest against the applicant.

SECTION 21. IC 9-24-12-0.5, AS ADDED BY P.L.101-2009, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 0.5. This section applies beginning January 1, 2010: A learner's permit or driving privileges learner's permit issued under this article expires two (2) years after the date of issuance.**

SECTION 22. IC 9-24-12-1, AS AMENDED BY P.L.103-2012, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 1. (a) Notwithstanding subsection (c) and except as provided in subsection (b) and sections 10, 11, and 12 of this chapter, the expiration date of an operator's license that is the renewal license for a license that contains a 2012 expiration date is as follows:**

(1) If the license was previously issued or renewed after May 14, 2007, and before January 1, 2008, the renewal license expires at midnight on the birthday of the holder that occurs in 2017.

(2) If the license was previously issued or renewed after December 31, 2007, and before January 1, 2009, the renewal license expires at midnight on the birthday of the holder that occurs in 2018.

(3) If the license was previously issued or renewed after December 31, 2005, and before January 1, 2007, the renewal license expires at midnight on the birthday of the holder that



occurs in 2016.

(b) Except as provided in sections 10, 11, and 12 of this chapter, an operator's license **or a driving privileges permit** issued to an applicant who is at least seventy-five (75) years of age expires at midnight of the birthday of the holder that occurs three (3) years following the date of issuance.

(c) Except as provided in subsections (a), (b), (d), and (f) and sections 10, 11, and 12 of this chapter, an operator's license issued under this article expires at midnight of the birthday of the holder that occurs six (6) years following the date of issuance.

(d) A probationary operator's license issued under IC 9-24-11-3 expires in accordance with IC 9-24-11-3(e).

(e) A probationary operator's license issued under IC 9-24-11-3.3 to an individual who complies with ~~IC 9-24-9-2.5(5)~~ **IC 9-24-9-2.5(a)(5)** through ~~IC 9-24-9-2.5(9)~~ **IC 9-24-9-2.5(a)(9)** expires:

(1) at midnight one (1) year after issuance if there is no expiration date on the authorization granted to the individual to remain in the United States; or

(2) if there is an expiration date on the authorization granted to the individual to remain in the United States, the earlier of the following:

(A) At midnight of the date the authorization to remain in the United States expires.

(B) At midnight of the date thirty (30) days after the twenty-first birthday of the holder.

(f) Except as provided in subsection (e), a probationary operator's license issued under IC 9-24-11-3.3 expires at midnight of the date thirty (30) days after the twenty-first birthday of the holder.

(g) Except as provided in sections 10 and 11 of this chapter, a driving privileges permit issued under this article expires at midnight of the birthday of the holder that occurs six (6) years after the date of issuance.

SECTION 23. IC 9-24-12-4, AS AMENDED BY P.L.109-2011, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) Except as provided in subsections (b) and (c), the application for renewal of:

(1) an operator's license;

(2) a chauffeur's license;

(3) a public passenger chauffeur's license; or

(4) an identification card;

under this article may be filed not more than twelve (12) months before the expiration date of the license or identification card held by the



1 applicant.

2 (b) When the applicant complies with ~~IC 9-24-9-2.5(5)~~
 3 **IC 9-24-9-2.5(a)(5)** through ~~IC 9-24-9-2.5(10)~~, **IC 9-24-9-2.5(a)(10)**,
 4 an application for renewal of a driver's license in subsection (a)(1),
 5 (a)(2), or (a)(3) may be filed not more than one (1) month before the
 6 expiration date of the license held by the applicant.

7 (c) When the applicant complies with IC 9-24-16-3.5(1)(E) through
 8 IC 9-24-16-3.5(1)(J), an application for renewal of an identification
 9 card ~~in~~ **under** subsection ~~(a)(5)~~ **(a)(4)** may be filed not more than one
 10 (1) month before the expiration date of the identification card held by
 11 the applicant.

12 **(d) When the applicant is subject to IC 9-24-9-2.5(b), an**
 13 **application for renewal of a driving privileges permit may be filed**
 14 **not more than one (1) month before the expiration date of the**
 15 **permit held by the applicant.**

16 SECTION 24. IC 9-24-12-5, AS AMENDED BY P.L.85-2013,
 17 SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 JULY 1, 2014]: Sec. 5. (a) Except as provided in subsection (b), an
 19 individual applying for renewal of an operator's, a chauffeur's, or a
 20 public passenger chauffeur's license **or a driving privileges permit**
 21 must apply in person at a license branch and do the following:

- 22 (1) Pass an eyesight examination.
 23 (2) Pass a written examination if:
 24 (A) the applicant has at least six (6) active points on the
 25 applicant's driving record maintained by the bureau;
 26 (B) the applicant holds a valid operator's license, has not
 27 reached the applicant's twenty-first birthday, and has active
 28 points on the applicant's driving record maintained by the
 29 bureau; or
 30 (C) the applicant is in possession of a driver's license that is
 31 expired beyond one hundred eighty (180) days.

32 (b) The bureau may adopt rules under IC 4-22-2 concerning the
 33 ability of a holder of an operator's, a chauffeur's, or a public passenger
 34 chauffeur's license to renew the license by mail or by electronic service.
 35 If rules are adopted under this subsection, the rules must provide that
 36 an individual's renewal of a license by mail or by electronic service is
 37 subject to the following conditions:

- 38 (1) A valid computerized image of the individual must exist
 39 within the records of the bureau.
 40 (2) The previous renewal of the individual's operator's,
 41 chauffeur's, or public passenger chauffeur's license must not have
 42 been by mail or by electronic service.



(3) The application for or previous renewal of the individual's license must have included a test of the individual's eyesight approved by the bureau.

(4) If the individual were applying for the license renewal in person at a license branch, the individual would not be required under subsection (a)(2) to submit to a written examination.

(5) The individual must be a citizen of the United States, as shown in the records of the bureau.

(6) There must not have been any change in the:

(A) address; or

(B) name;

of the individual since the issuance or previous renewal of the individual's operator's, chauffeur's, or public passenger chauffeur's license.

(7) The operator's, chauffeur's, or public passenger chauffeur's license of the individual must not be:

(A) suspended; or

(B) expired more than one hundred eighty (180) days;

at the time of the application for renewal.

(8) The individual must be less than seventy-five (75) years of age at the time of the application for renewal.

(c) An individual applying for the renewal of an operator's, a chauffeur's, or a public passenger chauffeur's license must apply in person at a license branch under subsection (a) if the individual is not entitled to apply by mail or by electronic service under rules adopted under subsection (b).

SECTION 25. IC 9-24-12-10, AS AMENDED BY P.L.85-2013, SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 10. Except as provided in section 11 of this chapter: ~~after June 30, 2005:~~

(1) an operator's;

(2) a chauffeur's; or

(3) a public passenger chauffeur's;

license **or a driving privileges permit** issued to or renewed by a driver who is at least eighty-five (85) years of age expires at midnight of the birthday of the holder that occurs two (2) years following the date of issuance.

SECTION 26. IC 9-24-12-11, AS AMENDED BY P.L.109-2011, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 11. (a) This section applies to a driver's license issued under:

(1) IC 9-24-3;



1 (2) IC 9-24-4; or
 2 (3) IC 9-24-5;
 3 **or a driving privileges permit issued under IC 9-24-3.5.**
 4 (b) If the birthday of a holder on which the holder's driver's license
 5 **or driving privileges permit** issued under a chapter referred to in
 6 subsection (a) would otherwise expire falls on:
 7 (1) Sunday;
 8 (2) a legal holiday (as set forth in IC 1-1-9-1); or
 9 (3) a weekday when all license branches, full service providers,
 10 and partial services providers in the county of residence of the
 11 holder are closed;
 12 the driver's license **or driving privileges permit** of the holder does not
 13 expire until midnight of the first day after the birthday on which a
 14 license branch, full service provider, or partial services provider is
 15 open for business in the county of residence of the holder.
 16 SECTION 27. IC 9-24-12-12, AS AMENDED BY P.L.109-2011,
 17 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 JULY 1, 2014]: Sec. 12. (a) This section applies to a driver's license
 19 issued under:
 20 (1) IC 9-24-3;
 21 (2) IC 9-24-4; and
 22 (3) IC 9-24-5.
 23 (b) A driver's license listed in subsection (a) that is issued after
 24 December 31, 2007, to an applicant who complies with
 25 ~~IC 9-24-9-2.5(5)~~ **IC 9-24-9-2.5(a)(5)** through ~~IC 9-24-9-2.5(10)~~
 26 **IC 9-24-9-2.5(a)(10)** expires:
 27 (1) at midnight one (1) year after issuance if there is no expiration
 28 date on the authorization granted to the individual to remain in the
 29 United States; or
 30 (2) if there is an expiration date on the authorization granted to
 31 the individual to remain in the United States, the earlier of the
 32 following:
 33 (A) At midnight of the date the authorization of the holder to
 34 be a legal permanent resident or conditional resident alien of
 35 the United States expires.
 36 (B) At midnight of the birthday of the holder that occurs six
 37 (6) years after the date of issuance.
 38 SECTION 28. IC 9-24-15-1, AS AMENDED BY P.L.85-2013,
 39 SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 JULY 1, 2014]: Sec. 1. This chapter does not apply to the following:
 41 (1) A suspension of driving privileges upon the failure of an
 42 individual to file security or proof of financial responsibility



following an accident as required by or upon the failure of any individual to satisfy a judgment for damages arising out of the use of a motor vehicle on a public highway as provided for in IC 9-25. However, if an individual is not otherwise ineligible, a court may grant a petition for restricted driving privileges from an individual who:

(A) received a request for evidence of financial responsibility after:

(i) an accident under IC 9-25-5-2; or

(ii) a conviction of a motor vehicle violation under IC 9-25-9-1; and

(B) failed to provide proof of financial responsibility under IC 9-25-6;

only if the individual shows by a preponderance of the evidence that the failure to maintain financial responsibility was inadvertent.

(2) When suspension of driving privileges is by reason of:

(A) physical, mental, or emotional instability;

(B) having caused serious bodily injury to or the death of another person when operating a motor vehicle after knowingly or intentionally failing to take prescribed medication, the taking of which was a condition of the issuance of the operator's restricted driver's license; or

(C) the applicant has been convicted of involuntary manslaughter or reckless homicide as a result of an automobile accident.

(3) A suspension of the driving privileges of an applicant whose license has been previously suspended more than one (1) time.

(4) A suspension of the driving privileges of an applicant who has failed to use timely appeal procedures provided by the bureau.

(5) After June 30, 2005, a suspension of the driving privileges of an applicant whose commercial driver's license has been disqualified under 49 CFR 383.51 or other applicable federal or state law, including an alcohol or a controlled substance conviction under IC 9-30-5-4 or 49 CFR 391.15.

(6) A person who is a habitual violator of traffic laws under IC 9-30-10.

(7) A suspension of a driving privileges permit or driving privileges learner's permit for any reason.

SECTION 29. IC 9-24-18-1, AS AMENDED BY P.L.85-2013, SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) A person, except a person exempted under



1 IC 9-24-1-7, who knowingly or intentionally operates a motor vehicle
 2 upon a highway and has never received a valid driving license **or**
 3 **permit** commits a Class C misdemeanor. However, the offense is a
 4 Class A misdemeanor if the person has a prior unrelated conviction
 5 under this section.

6 (b) In addition to any other penalty imposed for a conviction under
 7 this section, the court shall recommend that the person be prohibited
 8 from receiving a valid driving license **or permit** for a fixed period of
 9 at least ninety (90) days and not more than two (2) years.

10 (c) The court shall specify:

11 (1) the length of the fixed period of the prohibition; and

12 (2) the date the fixed period of the prohibition begins;

13 whenever the court makes a recommendation under subsection (b).

14 (d) The bureau shall, upon receiving a record of conviction of a
 15 person upon a charge of operating a motor vehicle while never having
 16 received a valid driving license **or permit**, prohibit the person from
 17 receiving a driving license **or permit** by placing a suspension of
 18 driving privileges on the person's record for a fixed period of at least
 19 ninety (90) days and not more than two (2) years. The bureau shall fix
 20 this period in accordance with the recommendation of the court that
 21 entered the conviction, as provided in subsection (c). If the court fails
 22 to recommend a fixed term of suspension, or recommends a fixed term
 23 that is less than the minimum term required by statute, the bureau shall
 24 impose the minimum period of suspension required under this chapter.

25 (e) In a prosecution under this section, the burden is on the
 26 defendant to prove by a preponderance of the evidence that the
 27 defendant had been issued a driver's license or permit that was valid at
 28 the time of the alleged offense.

29 SECTION 30. IC 9-26-1-1.5, AS AMENDED BY P.L.125-2012,
 30 SECTION 293, IS AMENDED TO READ AS FOLLOWS
 31 [EFFECTIVE JULY 1, 2014]: Sec. 1.5. (a) If:

32 (1) the driver of a motor vehicle is physically incapable of
 33 determining the need for or rendering assistance to any injured or
 34 entrapped person as required under section 1(2)(C) of this
 35 chapter;

36 (2) there is another occupant in the motor vehicle at the time of
 37 the accident who is:

38 (A) at least:

39 (i) fifteen (15) years of age and holds a learner's permit
 40 issued under IC 9-24-7-1, **a driving privileges learner's**
 41 **permit under IC 9-24-7-1, or** a driver's license issued under
 42 IC 9-24-11, **or a driving privileges permit under**



- 1 **IC 9-24-3.5;** or
 2 (ii) eighteen (18) years of age; and
 3 (B) capable of determining the need for and rendering
 4 reasonable assistance to injured or entrapped persons as
 5 provided in section 1(2)(C) of this chapter; and
 6 (3) the other occupant in the motor vehicle knows that the driver
 7 of the motor vehicle is physically incapable of determining the
 8 need for or rendering assistance to any injured or entrapped
 9 person;
 10 the motor vehicle occupant referred to in subdivisions (2) and (3) shall
 11 immediately determine the need for and render reasonable assistance
 12 to each person injured or entrapped in the accident as provided in
 13 section 1(2)(C) of this chapter.
 14 (b) If:
 15 (1) the driver of a motor vehicle is physically incapable of giving
 16 immediate notice of an accident as required under section 1(3) of
 17 this chapter;
 18 (2) there is another occupant in the motor vehicle at the time of
 19 the accident who is:
 20 (A) at least:
 21 (i) fifteen (15) years of age and holds a learner's permit
 22 issued under IC 9-24-7-1, **a driving privileges learner's**
 23 **permit under IC 9-24-7-1, or** a driver's license issued under
 24 IC 9-24-11, **or a driving privileges permit under**
 25 **IC 9-24-3.5;** or
 26 (ii) eighteen (18) years of age; and
 27 (B) capable of giving notice as provided in section 1(3) of this
 28 chapter; and
 29 (3) the other occupant in the motor vehicle knows that the driver
 30 of the motor vehicle is physically incapable of giving immediate
 31 notice of an accident;
 32 the motor vehicle occupant referred to in subdivisions (2) and (3) shall
 33 immediately give notice of the accident by the quickest means of
 34 communication as provided in section 1(3) of this chapter.
 35 (c) If there is more than one (1) motor vehicle occupant to whom
 36 subsection (a) applies, it is a defense to a prosecution of one (1) motor
 37 vehicle occupant under subsection (a) that the defendant reasonably
 38 believed that another occupant of the motor vehicle determined the
 39 need for and rendered reasonable assistance as required under
 40 subsection (a).
 41 (d) If there is more than one (1) motor vehicle occupant to whom
 42 subsection (b) applies, it is a defense to a prosecution of one (1) motor



1 vehicle occupant under subsection (b) that the defendant reasonably
 2 believed that another occupant of the motor vehicle gave the notice
 3 required under subsection (b).

4 SECTION 31. IC 9-26-1-2, AS AMENDED BY P.L.125-2012,
 5 SECTION 294, IS AMENDED TO READ AS FOLLOWS
 6 [EFFECTIVE JULY 1, 2014]: Sec. 2. The driver of a motor vehicle
 7 involved in an accident that does not result in injury or death of a
 8 person or the entrapment of a person in a motor vehicle and that does
 9 not involve the transportation of hazardous materials but that does
 10 result in damage to a vehicle that is driven or attended by a person shall
 11 do the following:

12 (1) Immediately stop the motor vehicle at the scene of the
 13 accident or as close to the accident as possible in a manner that
 14 does not obstruct traffic more than is necessary. If the accident
 15 occurs on a federal interstate highway, or on a ramp providing
 16 access to or from a federal interstate highway, the driver shall, as
 17 soon as safely possible, move the motor vehicle off the highway
 18 or ramp to a location as close to the accident as possible in a
 19 manner that does not obstruct traffic more than is necessary.

20 (2) Immediately return to and remain at the scene of the accident
 21 until the driver does the following upon request:

22 (A) Gives the driver's name and address and the registration
 23 number of the motor vehicle the driver was driving.

24 (B) Gives the names and addresses of the owner and any
 25 occupants of the motor vehicle the driver was driving, if the
 26 names or addresses are different from the name and address
 27 provided under clause (A).

28 (C) Provides proof of financial responsibility (as defined in
 29 IC 9-25-2-3) for the motor vehicle.

30 (D) Exhibits the driver's license **or permit** of the driver to the
 31 driver or occupant of or person attending each vehicle
 32 involved in the accident.

33 SECTION 32. IC 9-26-1-4, AS AMENDED BY P.L.125-2012,
 34 SECTION 297, IS AMENDED TO READ AS FOLLOWS
 35 [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) The driver of a motor vehicle
 36 that causes damage to the property of another person, other than
 37 damage to a vehicle, shall do the following:

38 (1) Immediately stop the motor vehicle at the scene of the
 39 accident or as close to the accident as possible in a manner that
 40 does not obstruct traffic more than is necessary.

41 (2) Immediately return to and remain at the scene of the accident
 42 until the driver does the following:



- 1 (A) Takes reasonable steps to locate and notify the owner or
- 2 person in charge of the property of the damage.
- 3 (B) Gives the person the driver's name and address and the
- 4 registration number of the motor vehicle.
- 5 (C) Upon request, exhibits the driver's license **or permit** of the
- 6 driver.
- 7 (b) If after reasonable inquiry the driver of the motor vehicle cannot
- 8 find the owner or person in charge of the damaged property, the driver
- 9 of the motor vehicle shall do the following:
- 10 (1) Notify either the sheriff's department of the county in which
- 11 the damaged property is located or a member of the state police
- 12 department.
- 13 (2) Give the sheriff's department or state police department the
- 14 information required by this section.
- 15 SECTION 33. IC 9-29-1-2, AS AMENDED BY P.L.259-2013,
- 16 SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 17 JULY 1, 2014]: Sec. 2. (a) Money from the increases in fees levied by
- 18 the 1969 regular session of the general assembly in IC 9-18-2,
- 19 IC 9-18-5, IC 9-18-6, IC 9-18-7, IC 9-18-9, IC 9-18-10, IC 9-18-16,
- 20 IC 9-24-3, IC 9-24-4, IC 9-24-5, IC 9-24-7, IC 9-24-8, IC 9-24-10,
- 21 IC 9-24-11, IC 9-24-12, IC 9-24-13, IC 9-24-14, and IC 9-29-9-15
- 22 (IC 9-1-4 before its repeal on July 1, 1991) shall be deposited daily
- 23 with the treasurer of state and credited to the highway, road, and street
- 24 fund established under IC 8-14-2-2.1.
- 25 (b) For the purpose of providing adequate and sufficient funds for
- 26 the crossroads 2000 fund established under IC 8-14-10-9, and subject
- 27 to subsection (c), after June 30, 1997, with the approval of the bureau
- 28 of motor vehicles commission the bureau of motor vehicles may adopt
- 29 rules under IC 4-22-2 to increase, by an amount that is in addition to
- 30 the fees specified by statute, the fees under the following:
- 31 IC 9-29-4-3
- 32 IC 9-29-5 (excluding fees under IC 9-29-5-44)
- 33 IC 9-29-9-1
- 34 IC 9-29-9-2
- 35 **IC 9-29-9-2.3(a)**
- 36 **IC 9-29-9-2.3(b)**
- 37 IC 9-29-9-3
- 38 IC 9-29-9-4
- 39 IC 9-29-9-5
- 40 IC 9-29-9-7
- 41 IC 9-29-9-8
- 42 IC 9-29-9-9



1 IC 9-29-9-11
 2 IC 9-29-9-13
 3 IC 9-29-9-14
 4 IC 9-29-15-1
 5 IC 9-29-15-2
 6 IC 9-29-15-3
 7 IC 9-29-15-4
 8 IC 9-29-17-1
 9 IC 9-29-17-2
 10 IC 9-29-17-3
 11 IC 9-29-17-4.

12 The amount of fees increased under this section shall first be deposited
 13 into the crossroads 2000 fund established under IC 8-14-10-9.

14 (c) The bureau's authority to adopt rules under subsection (b) is
 15 subject to the condition that a fee increase must be uniform throughout
 16 all license branches and at all partial service locations in Indiana.

17 (d) If a fee imposed by a statute listed in subsection (b) is
 18 eliminated, the amount of the fee increase set forth in a rule adopted
 19 under this section before July 1, 2007, with respect to the fee must be:

- 20 (1) collected by the bureau notwithstanding the elimination of the
- 21 underlying fee;
- 22 (2) collected in addition to all other fees collected at the time of
- 23 the underlying transaction; and
- 24 (3) deposited in the crossroads 2000 fund established under
- 25 IC 8-14-10-9.

26 However, this subsection does not apply to a fee imposed under
 27 IC 9-29-5-14, IC 9-29-5-14.5, IC 9-29-5-15, or IC 9-29-5-39, which
 28 were repealed by legislation enacted in 2013.

29 SECTION 34. IC 9-29-1-2.5 IS ADDED TO THE INDIANA CODE
 30 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 31 1, 2014]: **Sec. 2.5. The fees collected for the fingerprinting of an**
 32 **applicant for a driving privileges permit under IC 9-24-3.5 or a**
 33 **driving privileges learner's permit under IC 9-24-7-1(c), as**
 34 **required by IC 10-13-3-28, IC 10-13-3-37.5, and IC 9-29-9-2.3(c),**
 35 **shall be deposited daily with the treasurer of state into the state**
 36 **general fund.**

37 SECTION 35. IC 9-29-3-8, AS AMENDED BY P.L.156-2006,
 38 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 39 JULY 1, 2014]: Sec. 8. (a) Fifty cents (\$0.50) of each service charge
 40 collected under this section shall be deposited in the state motor
 41 vehicle technology fund established by IC 9-29-16-1.

42 (b) The service charge for an operator's license **or driving**



1 **privileges permit** is three dollars (\$3).

2 SECTION 36. IC 9-29-3-9, AS AMENDED BY P.L.1-2007,
3 SECTION 86, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2014]: Sec. 9. (a) Fifty cents (\$0.50) of each service charge
5 collected under this section shall be deposited in the state motor
6 vehicle technology fund established by IC 9-29-16-1.

7 (b) The service charge for a learner's permit, **driving privileges**
8 **learner's permit**, public passenger chauffeur's license, or chauffeur's
9 license issued to or renewed for an individual who is at least
10 seventy-five (75) years of age is two dollars (\$2). ~~After December 31,~~
11 ~~2005;~~ The service charge for a chauffeur's license issued to or renewed
12 for an individual less than seventy-five (75) years of age is three dollars
13 (\$3).

14 SECTION 37. IC 9-29-9-1 IS AMENDED TO READ AS
15 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. The fee for a
16 learner's permit **or driving privileges learner's permit** issued under
17 IC 9-24-7 is two dollars (\$2).

18 SECTION 38. IC 9-29-9-2.3 IS ADDED TO THE INDIANA CODE
19 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
20 1, 2014]: Sec. 2.3. (a) **Except as provided in subsection (b), the fee**
21 **for a driving privileges permit issued under IC 9-24-3.5-2 or**
22 **renewed under IC 9-24-12 to:**

23 (1) **an individual who is less than seventy-five (75) years of age**
24 **is nine dollars (\$9); and**

25 (2) **an individual who is at least seventy-five (75) years of age**
26 **is six dollars (\$6).**

27 (b) **The fee for a probationary driving privileges permit issued**
28 **under IC 9-24-11-3.3 is six dollars (\$6).**

29 (c) **In addition to the fees set forth in subsections (a) and (b), at**
30 **the time an application for a driving privileges permit or a**
31 **probationary driving privileges permit is made, the bureau shall**
32 **collect:**

33 (1) **the fee required under IC 10-13-3-28(2) for processing the**
34 **fingerprints required to be submitted under**
35 **IC 9-24-9-2(a)(14); and**

36 (2) **any other fee required of an individual seeking a national**
37 **fingerprint based criminal history check from the Federal**
38 **Bureau of Investigation's National Crime Information Center.**

39 SECTION 39. IC 9-30-3-12, AS AMENDED BY P.L.85-2013,
40 SECTION 83, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
41 JULY 1, 2014]: Sec. 12. (a) If during any twelve (12) month period a
42 person has committed moving traffic violations for which the person



has:

- (1) been convicted of at least two (2) traffic misdemeanors;
 - (2) had at least two (2) traffic judgments entered against the person; or
 - (3) been convicted of at least one (1) traffic misdemeanor and has had at least one (1) traffic judgment entered against the person;
- the bureau may require the person to attend and satisfactorily complete a driver safety program approved by the bureau. The person shall pay all applicable fees required by the bureau.

(b) This subsection applies to an individual who holds a probationary license **or probationary driving privileges permit** under IC 9-24-11-3.3 or is less than eighteen (18) years of age. An individual is required to attend and satisfactorily complete a driver safety program approved by the bureau if either of the following occurs at least twice or if both of the following have occurred when the individual was less than eighteen (18) years of age:

- (1) The individual has been convicted of a moving traffic offense, other than an offense that solely involves motor vehicle equipment.
- (2) The individual has been the operator of a motor vehicle involved in an accident for which a report is required to be filed under IC 9-26-2.

The individual shall pay all applicable fees required by the bureau.

(c) The bureau may suspend the driving privileges of any person who:

- (1) fails to attend a driver safety program; or
 - (2) fails to satisfactorily complete a driver safety program;
- as required by this section.

(d) Notwithstanding IC 33-37-4-2, any court may suspend one-half (1/2) of each applicable court cost (including fees) for which a person is liable due to a traffic violation if the person enrolls in and completes a driver safety program or a similar school conducted by an agency of the state or local government.

SECTION 40. IC 10-13-3-28, AS AMENDED BY P.L.287-2013, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 28. On request of an individual who has applied for a **driving privileges permit under IC 9-24-3.5 or a driving privileges learner's permit under IC 9-24-7-1(c), or for employment with** or to volunteer with a noncriminal justice organization or individual, the Indiana central repository for criminal history information shall process a request for a national fingerprint based criminal history check of the individual making the request from the



1 Federal Bureau of Investigation's National Crime Information Center
2 upon:

3 (1) the submission of fingerprints of the individual making the
4 request; and

5 (2) the payment of a fifteen dollar (\$15) fee.

6 SECTION 41. IC 10-13-3-37.5 IS ADDED TO THE INDIANA
7 CODE AS A NEW SECTION TO READ AS FOLLOWS
8 [EFFECTIVE JULY 1, 2014]: **Sec. 37.5. (a) Under P.L.92-544 (86**
9 **Stat. 1115), the department shall use fingerprints submitted for the**
10 **purpose of identification in a request related to an application for**
11 **a driving privileges permit or driving privileges learner's permit**
12 **under IC 9-24-9-2(a)(14)(A).**

13 (b) An applicant shall submit the fingerprints on forms provided
14 for the permit application.

15 (c) The bureau of motor vehicles shall charge and collect from
16 each applicant the fees set by the department and federal
17 authorities to defray the costs associated with a search for and
18 classification of the fingerprints of the applicant.

19 (d) The department shall:

20 (1) forward for processing to the Federal Bureau of
21 Investigation fingerprints submitted by a license applicant;
22 and

23 (2) receive the results of all fingerprint investigations.

24 (e) After receipt of a fingerprint investigation, the department
25 shall notify:

26 (1) the federal Immigration and Customs Enforcement
27 Agency of the United States Department of Homeland
28 Security if the applicant has a felony in the applicant's
29 criminal history record; or

30 (2) the law enforcement agency that is directed to execute a
31 warrant of arrest if an outstanding warrant for arrest has
32 been issued against the applicant.

33 (f) The department:

34 (1) shall retain permanently an applicant's fingerprints
35 submitted under this section;

36 (2) shall retain the applicant's fingerprints separately from
37 fingerprints collected under section 24 of this chapter; and

38 (3) shall notify the following when an entry is made in the
39 applicable data bases against an individual whose fingerprints
40 are retained in the file:

41 (A) The federal Immigration and Customs Enforcement
42 Agency of the United States Department of Homeland



1 Security if the individual is arrested under state law
2 involving a felony.

3 (B) The law enforcement agency that is directed to execute
4 a warrant for arrest if an outstanding warrant is issued
5 against the individual.

6 (g) Upon request of the agency described in subsection (f)(3)(A),
7 the department shall inform the agency whether an individual
8 whose arrest was reported under subsection (f)(3)(A) was
9 subsequently convicted of the charge for which the individual was
10 arrested.

11 SECTION 42. IC 20-33-2-11, AS AMENDED BY P.L.242-2005,
12 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
13 JULY 1, 2014]: Sec. 11. (a) Notwithstanding IC 9-24 concerning the
14 minimum requirements for qualifying for the issuance of an operator's
15 license, **a driving privileges permit, a driving privileges learner's**
16 **permit**, or a learner's permit, and subject to subsections (c) through (e),
17 an individual who is:

18 (1) at least thirteen (13) years of age but less than fifteen (15)
19 years of age;

20 (2) a habitual truant under the definition of habitual truant
21 established under subsection (b); and

22 (3) identified in the information submitted to the bureau of motor
23 vehicles under subsection (f);

24 may not be issued an operator's license, **a driving privileges permit,**
25 **a driving privileges learner's permit**, or a learner's permit to drive a
26 motor vehicle under IC 9-24 until the individual is at least eighteen
27 (18) years of age.

28 (b) Each governing body shall establish and include as part of the
29 written copy of its discipline rules described in IC 20-33-8-12:

30 (1) a definition of a child who is designated as a habitual truant,
31 which must, at a minimum, define the term as a student who is
32 chronically absent, by having unexcused absences from school for
33 more than ten (10) days of school in one (1) school year;

34 (2) the procedures under which subsection (a) will be
35 administered; and

36 (3) all other pertinent matters related to this action.

37 (c) An individual described in subsection (a) is entitled to the
38 procedure described in IC 20-33-8-19.

39 (d) An individual described in subsection (a) who is at least thirteen
40 (13) years of age and less than eighteen (18) years of age is entitled to
41 a periodic review of the individual's attendance record in school to
42 determine whether the prohibition described in subsection (a) shall



1 continue. The periodic reviews may not be conducted less than one (1)
2 time each school year.

3 (e) Upon review, the governing body may determine that the
4 individual's attendance record has improved to the degree that the
5 individual may become eligible to be issued an operator's license, **a**
6 **driving privileges permit, a driving privileges learner's permit,** or
7 a learner's permit.

8 (f) Before:

9 (1) February 1; and

10 (2) October 1;

11 of each year the governing body of the school corporation shall submit
12 to the bureau of motor vehicles the pertinent information concerning an
13 individual's ineligibility under subsection (a) to be issued an operator's
14 license, **a driving privileges permit, a driving privileges learner's**
15 **permit,** or a learner's permit.

16 (g) The department shall develop guidelines concerning criteria
17 used in defining a habitual truant that may be considered by a
18 governing body in complying with subsection (b).

19 SECTION 43. IC 20-33-2-28.5, AS AMENDED BY P.L.185-2006,
20 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
21 JULY 1, 2014]: Sec. 28.5. (a) This section applies to an individual:

22 (1) who:

23 (A) attends or last attended a public school;

24 (B) is at least sixteen (16) years of age but less than eighteen
25 (18) years of age; and

26 (C) has not completed the requirements for graduation;

27 (2) who:

28 (A) wishes to withdraw from school before graduation;

29 (B) fails to return at the beginning of a semester; or

30 (C) stops attending school during a semester; and

31 (3) who has no record of transfer to another school.

32 (b) An individual to whom this section applies may withdraw from
33 school only if all of the following conditions are met:

34 (1) An exit interview is conducted.

35 (2) The individual's parent consents to the withdrawal.

36 (3) The school principal approves of the withdrawal.

37 (4) The withdrawal is due to:

38 (A) financial hardship and the individual must be employed to
39 support the individual's family or a dependent;

40 (B) illness; or

41 (C) an order by a court that has jurisdiction over the child.

42 During the exit interview, the school principal shall provide to the



1 student and the student's parent a copy of statistics compiled by the
 2 department concerning the likely consequences of life without a high
 3 school diploma. The school principal shall advise the student and the
 4 student's parent that the student's withdrawal from school may prevent
 5 the student from receiving or result in the revocation of the student's
 6 employment certificate and driver's license, **driving privileges permit,**
 7 **driving privileges learner's permit,** or learner's permit.

8 (c) For purposes of this section, the following must be in written
 9 form:

10 (1) An individual's request to withdraw from school.

11 (2) A parent's consent to a withdrawal.

12 (3) A principal's consent to a withdrawal.

13 (d) If the individual's principal does not consent to the individual's
 14 withdrawal under this section, the individual's parent may appeal the
 15 denial of consent to the governing body of the public school that the
 16 individual last attended.

17 (e) Each public school, including each school corporation and each
 18 charter school (as defined in IC 20-24-1-4), shall provide an annual
 19 report to the department setting forth the following information:

20 (1) The total number of individuals:

21 (A) who withdrew from school under this section; and

22 (B) who either:

23 (i) failed to return to school at the beginning of a semester;

24 or

25 (ii) stopped attending school during a semester;

26 and for whom there is no record of transfer to another school.

27 (2) The number of individuals who withdrew from school
 28 following an exit interview.

29 (f) If an individual to which this section applies:

30 (1) has not received consent to withdraw from school under this
 31 section; and

32 (2) fails to return to school at the beginning of a semester or
 33 during the semester;

34 the principal of the school that the individual last attended shall deliver
 35 by certified mail or personal delivery to the bureau of child labor a
 36 record of the individual's failure to return to school so that the bureau
 37 of child labor revokes any employment certificates issued to the
 38 individual and does not issue any additional employment certificates
 39 to the individual. For purposes of IC 20-33-3-13, the individual shall
 40 be considered a dropout.

41 (g) At the same time that a school principal delivers the record
 42 under subsection (f), the principal shall deliver by certified mail or



personal delivery to the bureau of motor vehicles a record of the individual's failure to return to school so that the bureau of motor vehicles revokes any driver's license, **driving privileges permit, driving privileges learner's permit**, or learner's permit issued to the individual and does not issue any additional driver's licenses, **driving privileges permits, driving privileges learner's permits**, or learner's permits to the individual before the individual is at least eighteen (18) years of age. For purposes of IC 9-24-2-1, the individual shall be considered a dropout.

(h) If:

(1) a principal has delivered the record required under subsection (f) or (g), or both; and

(2) the school subsequently gives consent to the individual to withdraw from school under this section;

the principal of the school shall send a notice of withdrawal to the bureau of child labor and the bureau of motor vehicles by certified mail or personal delivery and, for purposes of IC 20-33-3-13 and IC 9-24-2-1, the individual shall no longer be considered a dropout.

SECTION 44. IC 20-33-8-33, AS AMENDED BY P.L.125-2012, SECTION 402, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 33. Before February 1 and before October 1 of each year, except when a hearing has been requested to determine financial hardship under IC 9-24-2-1(a)(4), a principal shall submit to the bureau of motor vehicles the pertinent information concerning an individual's ineligibility under IC 9-24-2-1 to be issued a driver's license, **driving privileges permit, driving privileges learner's permit**, or learner's permit, or concerning the suspension of driving privileges under IC 9-24-2-4.

SECTION 45. IC 31-37-19-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 13. (a) This section applies if a child is a delinquent child under IC 31-37-1 due to the commission of a delinquent act that, if committed by an adult, would be:

(1) dealing in:

(A) a controlled substance (as defined in IC 35-48-1-9); or

(B) a counterfeit substance (as defined in IC 35-48-1-10);

(2) possessing:

(A) a controlled substance (as defined in IC 35-48-1-9); or

(B) a prescription drug (as defined in IC 35-48-1-25);

for which the child does not have a prescription; or

(3) conspiring to commit an act described in subdivision (1) or

(2).



(b) The juvenile court shall, in addition to any other order or decree the court makes under this chapter, order the bureau of motor vehicles to invalidate the child's operator's license, **driving privileges permit**, or permit for a period specified by the court of at least six (6) months but not more than one (1) year from the time the child would otherwise be eligible for a learner's permit **or driving privileges learner's permit**.

SECTION 46. IC 31-37-19-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 14. (a) This section applies if:

- (1) a child has been previously determined to be a delinquent child under IC 31-37-1 (or IC 31-6-4-1(b)(1) before its repeal) due to the commission of a delinquent act described in section 13(a)(1), 13(a)(2), or 13(a)(3) of this chapter (or IC 31-6-4-15.9(d)(1), IC 31-6-4-15.9(d)(2), or IC 31-6-4-15.9(d)(3) before its repeal); or
- (2) the delinquent act described in section 13(a)(1), 13(a)(2), or 13(a)(3) of this chapter (or IC 31-6-4-15.9(d)(1), IC 31-6-4-15.9(d)(2), or IC 31-6-4-15.9(d)(3) before its repeal) was committed:

- (A) on school property;
- (B) within one thousand (1,000) feet of school property; or
- (C) on a school bus.

(b) The juvenile court shall, in addition to any other order or decree the court makes under this chapter, order the bureau of motor vehicles to invalidate the child's operator's license **or driving privileges permit** for a period specified by the court of at least six (6) months but not more than two (2) years from the time the child would otherwise be eligible for a learner's permit **or driving privileges learner's permit**.

SECTION 47. IC 31-37-19-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 15. (a) This section applies if a child is a delinquent child under IC 31-37-1 due to the commission of a delinquent act that, if committed by an adult, would be:

- (1) dealing in:
 - (A) a controlled substance (as defined in IC 35-48-1-9); or
 - (B) a counterfeit substance (as defined in IC 35-48-1-10);
- (2) possessing:
 - (A) a controlled substance (as defined in IC 35-48-1-9); or
 - (B) a prescription drug (as defined in IC 35-48-1-25);
 for which the child does not have a prescription; or
- (3) conspiring to commit an act described in subdivision (1) or



(2).

(b) The juvenile court shall, in addition to any other order or decree the court makes under this chapter, order the bureau of motor vehicles not to issue the child a learner's permit **or driving privileges learner's permit** for a period specified by the court of at least six (6) months but not more than one (1) year from the time the child would otherwise be eligible for a learner's permit **or driving privileges learner's permit**.

SECTION 48. IC 31-37-19-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 16. (a) This section applies if:

(1) a child has been previously determined to be a delinquent child under IC 31-37-1 (or IC 31-6-4-1(b)(1) before its repeal) due to the commission of a delinquent act described in section 15(a)(1), 15(a)(2), or 15(a)(3) of this chapter (or IC 31-6-4-15.9(e)(1), IC 31-6-4-15.9(e)(2), or IC 31-6-4-15.9(e)(3) before its repeal); or

(2) the delinquent act described in section 15(a)(1), 15(a)(2), or 15(a)(3) of this chapter (or IC 31-6-4-15.9(e)(1), IC 31-6-4-15.9(e)(2), or IC 31-6-4-15.9(e)(3) before its repeal) was committed:

(A) on school property;

(B) within one thousand (1,000) feet of school property; or

(C) on a school bus.

(b) The juvenile court shall, in addition to any other order or decree the court makes under this chapter, order the bureau of motor vehicles not to issue the child a learner's permit **or driving privileges learner's permit** for a period specified by the court of at least six (6) months but not more than two (2) years from the time the child would otherwise be eligible for a learner's permit **or driving privileges learner's permit**.

SECTION 49. IC 31-37-19-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 17. (a) This section applies if a child is a delinquent child under IC 31-37-1 due to the commission of a delinquent act that, if committed by an adult, would be criminal mischief or institutional criminal mischief under IC 35-43-1-2 that involves the use of graffiti.

(b) The juvenile court may, in addition to any other order or decree the court makes under this chapter, order the bureau of motor vehicles to:

(1) suspend the child's operator's license **or driving privileges permit; or**

(2) invalidate the child's learner's permit **or driving privileges learner's permit;**



for one (1) year beginning the date of the order.

SECTION 50. IC 31-37-19-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 20. (a) This section applies if the juvenile court has entered an order for suspension or invalidation of an operator's license, **driving privileges permit, or** a learner's permit, **or driving privileges learner's permit** under section 17 of this chapter (or IC 31-6-4-15.9(f) before its repeal).

(b) Following a determination by the juvenile court that the child has removed or painted over the graffiti or has made other suitable restitution, the court may:

- (1) rescind the order for suspension or invalidation; and
- (2) allow the child to receive a license or permit before the period of suspension or invalidation ends.

SECTION 51. IC 33-39-1-8, AS AMENDED BY P.L.158-2013, SECTION 342, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. (a) After June 30, 2005, this section does not apply to a person who:

- (1) holds a commercial driver's license; and
- (2) has been charged with an offense involving the operation of a motor vehicle in accordance with the federal Motor Carrier Safety Improvement Act of 1999 (MCSIA) (Public Law 106-159.113 Stat. 1748).

(b) This section does not apply to a person arrested for or charged with:

- (1) an offense under IC 9-30-5-1 through IC 9-30-5-5; or
- (2) if a person was arrested or charged with an offense under IC 9-30-5-1 through IC 9-30-5-5, an offense involving:
 - (A) intoxication; or
 - (B) the operation of a vehicle;

if the offense involving intoxication or the operation of a vehicle was part of the same episode of criminal conduct as the offense under IC 9-30-5-1 through IC 9-30-5-5.

(c) This section does not apply to a person:

- (1) who is arrested for or charged with an offense under:
 - (A) IC 7.1-5-7-7(a), if the alleged offense occurred while the person was operating a motor vehicle;
 - (B) IC 9-30-4-8(a), if the alleged offense occurred while the person was operating a motor vehicle;
 - (C) IC 35-42-2-2(c)(1);
 - (D) IC 35-44.1-2-13(b)(1); or
 - (E) IC 35-43-1-2(a), if the alleged offense occurred while the person was operating a motor vehicle; and



(2) who held a probationary license **or a probationary driving privileges permit (both** as defined in IC 9-24-11-3.3(b)) and was less than eighteen (18) years of age at the time of the alleged offense.

(d) A prosecuting attorney may withhold prosecution against an accused person if:

- (1) the person is charged with a misdemeanor;
- (2) the person agrees to conditions of a pretrial diversion program offered by the prosecuting attorney;
- (3) the terms of the agreement are recorded in an instrument signed by the person and the prosecuting attorney and filed in the court in which the charge is pending; and
- (4) the prosecuting attorney electronically transmits information required by the prosecuting attorneys council concerning the withheld prosecution to the prosecuting attorneys council, in a manner and format designated by the prosecuting attorneys council.

(e) An agreement under subsection (d) may include conditions that the person:

- (1) pay to the clerk of the court an initial user's fee and monthly user's fees in the amounts specified in IC 33-37-4-1;
- (2) work faithfully at a suitable employment or faithfully pursue a course of study or career and technical education that will equip the person for suitable employment;
- (3) undergo available medical treatment or counseling and remain in a specified facility required for that purpose;
- (4) support the person's dependents and meet other family responsibilities;
- (5) make restitution or reparation to the victim of the crime for the damage or injury that was sustained;
- (6) refrain from harassing, intimidating, threatening, or having any direct or indirect contact with the victim or a witness;
- (7) report to the prosecuting attorney at reasonable times;
- (8) answer all reasonable inquiries by the prosecuting attorney and promptly notify the prosecuting attorney of any change in address or employment; and
- (9) participate in dispute resolution either under IC 34-57-3 or a program established by the prosecuting attorney.

(f) An agreement under subsection (d)(2) may include other provisions reasonably related to the defendant's rehabilitation, if approved by the court.

(g) The prosecuting attorney shall notify the victim when



1 prosecution is withheld under this section.

2 (h) All money collected by the clerk as user's fees under this section
3 shall be deposited in the appropriate user fee fund under IC 33-37-8.

4 (i) If a court withholds prosecution under this section and the terms
5 of the agreement contain conditions described in subsection (e)(6):

6 (1) the clerk of the court shall comply with IC 5-2-9; and

7 (2) the prosecuting attorney shall file a confidential form
8 prescribed or approved by the division of state court
9 administration with the clerk.

10 SECTION 52. IC 34-28-5-1, AS AMENDED BY P.L.125-2012,
11 SECTION 412, IS AMENDED TO READ AS FOLLOWS
12 [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) As used in this section,
13 "probationary license" refers to a license **or probationary driving**
14 **privileges permit** described in IC 9-24-11-3.3(b).

15 (b) An action to enforce a statute defining an infraction shall be
16 brought in the name of the state of Indiana by the prosecuting attorney
17 for the judicial circuit in which the infraction allegedly took place.
18 However, if the infraction allegedly took place on a public highway (as
19 defined in IC 9-25-2-4) that runs on and along a common boundary
20 shared by two (2) or more judicial circuits, a prosecuting attorney for
21 any judicial circuit sharing the common boundary may bring the action.

22 (c) An action to enforce an ordinance shall be brought in the name
23 of the municipal corporation. The municipal corporation need not
24 prove that it or the ordinance is valid unless validity is controverted by
25 affidavit.

26 (d) Actions under this chapter (or IC 34-4-32 before its repeal):

27 (1) shall be conducted in accordance with the Indiana Rules of
28 Trial Procedure; and

29 (2) must be brought within two (2) years after the alleged conduct
30 or violation occurred.

31 (e) The plaintiff in an action under this chapter must prove the
32 commission of an infraction or ordinance violation by a preponderance
33 of the evidence.

34 (f) The complaint and summons described in IC 9-30-3-6 may be
35 used for any infraction or ordinance violation.

36 (g) Subsection (h) does not apply to an individual holding a
37 probationary license who is alleged to have committed an infraction
38 under any of the following when the individual was less than eighteen
39 (18) years of age at the time of the alleged offense:

40 IC 9-19

41 IC 9-21

42 IC 9-24



- 1 IC 9-25
- 2 IC 9-26
- 3 IC 9-30-5
- 4 IC 9-30-10
- 5 IC 9-30-15.
- 6 (h) This subsection does not apply to an offense or violation under
- 7 IC 9-24-6 involving the operation of a commercial motor vehicle. The
- 8 prosecuting attorney or the attorney for a municipal corporation may
- 9 establish a deferral program for deferring actions brought under this
- 10 section. Actions may be deferred under this section if:
- 11 (1) the defendant in the action agrees to conditions of a deferral
- 12 program offered by the prosecuting attorney or the attorney for a
- 13 municipal corporation;
- 14 (2) the defendant in the action agrees to pay to the clerk of the
- 15 court an initial user's fee and monthly user's fee set by the
- 16 prosecuting attorney or the attorney for the municipal corporation
- 17 in accordance with IC 33-37-4-2(e);
- 18 (3) the terms of the agreement are recorded in an instrument
- 19 signed by the defendant and the prosecuting attorney or the
- 20 attorney for the municipal corporation;
- 21 (4) the defendant in the action agrees to pay a fee of seventy
- 22 dollars (\$70) to the clerk of court if the action involves a moving
- 23 traffic offense (as defined in IC 9-13-2-110);
- 24 (5) the agreement is filed in the court in which the action is
- 25 brought; and
- 26 (6) if the deferral program is offered by the prosecuting attorney,
- 27 the prosecuting attorney electronically transmits information
- 28 required by the prosecuting attorneys council concerning the
- 29 withheld prosecution to the prosecuting attorneys council, in a
- 30 manner and format designated by the prosecuting attorneys
- 31 council.
- 32 When a defendant complies with the terms of an agreement filed under
- 33 this subsection (or IC 34-4-32-1(f) before its repeal), the prosecuting
- 34 attorney or the attorney for the municipal corporation shall request the
- 35 court to dismiss the action. Upon receipt of a request to dismiss an
- 36 action under this subsection, the court shall dismiss the action. An
- 37 action dismissed under this subsection (or IC 34-4-32-1(f) before its
- 38 repeal) may not be refiled.
- 39 (i) If a judgment is entered against a defendant in an action to
- 40 enforce an ordinance, the defendant may perform community
- 41 restitution or service (as defined in IC 35-31.5-2-50) instead of paying
- 42 a monetary judgment for the ordinance violation as described in section



1 4(e) of this chapter if:

2 (1) the:

3 (A) defendant; and

4 (B) attorney for the municipal corporation;

5 agree to the defendant's performance of community restitution or
6 service instead of the payment of a monetary judgment;

7 (2) the terms of the agreement described in subdivision (1):

8 (A) include the amount of the judgment the municipal
9 corporation requests that the defendant pay under section 4(e)
10 of this chapter for the ordinance violation if the defendant fails
11 to perform the community restitution or service provided for
12 in the agreement as approved by the court; and

13 (B) are recorded in a written instrument signed by the
14 defendant and the attorney for the municipal corporation;

15 (3) the agreement is filed in the court where the judgment was
16 entered; and

17 (4) the court approves the agreement.

18 If a defendant fails to comply with an agreement approved by a court
19 under this subsection, the court shall require the defendant to pay up to
20 the amount of the judgment requested in the action under section 4(e)
21 of this chapter as if the defendant had not entered into an agreement
22 under this subsection.

23 SECTION 53. IC 35-48-4-15, AS AMENDED BY P.L.125-2012,
24 SECTION 415, IS AMENDED TO READ AS FOLLOWS
25 [EFFECTIVE JULY 1, 2014]: Sec. 15. (a) If a person is convicted of
26 an offense under section 1, 2, 3, 4, 5, 6, 7, 10, or 11 of this chapter, or
27 conspiracy to commit an offense under section 1, 2, 3, 4, 5, 6, 7, 10, or
28 11 of this chapter, and the court finds that a motor vehicle was used in
29 the commission of the offense, the court shall, in addition to any other
30 order the court enters, order that the person's:

31 (1) driver's license **or driving privileges permit** be suspended;

32 (2) existing motor vehicle registrations be suspended; and

33 (3) ability to register motor vehicles be suspended;

34 by the bureau of motor vehicles for a period specified by the court of
35 at least six (6) months but not more than two (2) years.

36 (b) If a person is convicted of an offense described in subsection (a)
37 and the person does not hold a driver's license, **a driving privileges**
38 **permit, or a learner's permit, or a driving privileges learner's permit,**
39 the court shall order that the person may not receive a driver's license,
40 **a driving privileges permit, or a learner's permit, or a driving**
41 **privileges learner's permit** from the bureau of motor vehicles for a
42 period of not less than six (6) months.

